

Notice of Allowability

Application No.

10/710,568

Examiner

Roy M. Punnoose

Applicant(s)

POCHY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 24, 2006.
2. ☒ The allowed claim(s) is/are 1-11 and 13-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

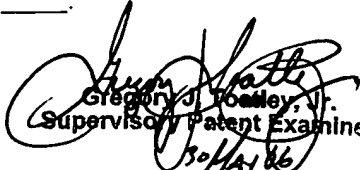
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/26/06.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory J. Tooley, Jr.
Supervisory Patent Examiner

DETAILED ACTION

Response to Amendment

1. Acknowledgement is made of applicant's amendments filed on May 24, 2006. The Examiner has accepted the amendments presented by the applicant.
2. The applicant has amended claims 1, 13 and 19, and cancelled claim 12 in the amendment filed on March 09, 2006, and amended claims 13 and 15-17 in the amendment filed on May 24, 2006. Claims 1-11 and 13-20 are currently pending in the application.

Drawings

3. The Examiner has accepted the corrected drawings received on 09/22/2005.

Interview

4. In the amendment received on March 09, 2006, claim 13 depended on claim 12, which has been cancelled by the applicant. Claims 15-17 referred to "mirror" in place of "reflective surface" of previous claims. In claim 17, the "means for detecting light" lacked antecedent basis as claim 13 on which claim 17 depended did not have any "means for detecting light."

In a telephone call on May 15, 2006, Atty. Michael Greenberg concurred with the Examiner on all the above deficiencies and agreed to amend the claims after consulting with the inventor(s). Atty. Greenberg telephoned the Examiner on May 23, 2006 to confirm the amendment. The amendment was filed on May 24, 2006.

Allowable Subject Matter

5. Claims 1-11 and 13-20 are allowable.
6. Claims 1 and 13 are allowable because none of the prior art of record, taken alone or in combination, fails to disclose or render obvious a particle sensor comprising a housing in

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communication with a means for detecting light and said housing in communication with a reflective surface, and a second reflective surface having a first focal point and a second focal point defining a second axis of symmetry, in combination with the rest of the limitations of the respective claims

7. Claims 2-11 and 14-20 are allowable because they are dependent on independent claims 1 or 13, or an intermediate claim, and they include all the allowable limitations of the parent claim(s).

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact/Status Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

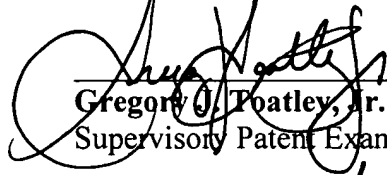
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2800 ext.77**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roy M. Punnoose
Patent Examiner
Art Unit 2877
May 26, 2006


Gregory J. Poatley, Jr.
Supervisory Patent Examiner
30 May 06